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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,131	04/24/2006	Wesley O Hoffman	1436/157	6424

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EXAMINER	
SAINT CYR, JEAN D	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/544,131	HOFFMAN ET AL.	
	Examiner	Art Unit	
	JEAN D. SAINT CYR	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30, filed 04/24/2006, are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Ellis et al, US Patent No. 20050028208.

Re claim 1, Ellis et al disclose a device for use in an interactive(see fig.1, element 17, interactive television program guide equipment) cable television system(cable system headend, 0183), the device comprising: a hardware peripheral device coupled(interacting with peripherals connected to user television equipment, 0107) to a computer modem at a user premises(when a household has more than one home, the user television equipment in each home may be connected by modem link or other suitable link for transferring data between home, 0204) and in communication with a computer network(interactive television program guide equipment 17 may communicate over remote access link 19 using any suitable network, 0095), for communicating data from a user via the computer network to a cable television network head end (Control circuitry 42 may also send data and commands or requests back to television distribution facility 16, 0088) to control a television information signal(television distribution facility 16 may poll user television equipment 22 periodically for certain information , 0070) provided over a cable television network cable connected directly to a digital cable ready television at the user premises(see fig.33a).

Re claim 2, Ellis et al disclose wherein the peripheral device (other suitable television equipment into which circuitry similar to set-top-box circuitry has been

integrated, 0186) is integrated into a single unit with the computer modem (internal or external modems, cable modem, or the like, 0206).

Re claim 3, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem.

Re claim 4, Ellis et al disclose wherein the peripheral device uses an infrared link(an infrared link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3).

Re claim 5, Ellis et al disclose wherein the peripheral device uses a radio frequency link(a radio frequency link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3).

Re claim 6, Ellis et al disclose further comprising: a status indicator section(see fig.11, status) showing a current status of the peripheral device(The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 7, Ellis et al disclose controlling a television information signal(user controls the operation of user television equipment , 0089) provided by a cable television network cable(a cable system headend, 0068) connected directly to a digital cable ready television at a user premises(see fig. 27) based on data communicated by a user to a peripheral device coupled to a computer modem(when a household has more than one home, the user television equipment in each home may be connected by modem link or other suitable link for transferring data between home, 0204) at the user premises and in communication with a computer network(Control circuitry 42 may also send data and commands or requests back to television distribution facility 16, 0088), via the computer network to a cable television network head end(television distribution

facility 16 may poll user television equipment 22 periodically for certain information , 0070).

Re claim 8, Ellis et al disclose a method wherein the peripheral device (other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated, 0186) is integrated into a single unit with the computer modem (internal or external modems, cable modem, or the like, 0206).

Re claim 9, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer s modem.

Re claim 10, Ellis et al disclose further comprising: controlling the television information signal using an infrared link (an infrared link, 0094) from the peripheral device (see fig.3).

Re claim 11, Ellis et al disclose further comprising: controlling the television information signal using a radio frequency link ((a radio frequency link, 0094) from the peripheral device (see fig.3).

Re claim 12, Ellis et al disclose further comprising: showing a current status(see fig.11, status) of the peripheral device on a status indicator(The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 13, Ellis et al disclose a computer network(a computer network, 0094); a computer modem at a user premises(homes may be connected by modem links , 0054) in communication with the computer network; a cable television network including a head end for providing a television information signal(a cable system headend, 0068)

over a cable television network cable directly to a digital cable ready television at the user premises(see fig.34), the television having a display responsive to the television information signal(see fig.4, display device); a hardware peripheral device coupled to the modem for communicating data(see fig.27) from a user via the computer network to the head end to control the television information signal(Television distribution facility 16 may distribute television programming to user television equipment 22 via communications path 20. If desired, television programming may be provided over separate communications paths, 0078).

Re claim 14, Ellis et al disclose wherein the peripheral device (other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated, 0186) is integrated into a single unit with the computer modem (internal or external modems, cable modem, or the like, 0206).

Re claim 15, Ellis et al disclose Wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer a modem.

Re claim 16, Ellis et al disclose wherein the peripheral device uses an infrared link(an infrared link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3)

Re claim 17, Ellis et al disclose wherein the peripheral device uses a radio frequency link (a radio frequency link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3).

Re claim 18, Ellis et al disclose further comprising: a status indicator section(see fig.11, status) showing a current status of the peripheral device(The remote access program guide may indicate the status of interactive television program guide

equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Re claim 19, Ellis et al disclose a device for use in an interactive cable television system (see fig.1, element 17, interactive television program guide equipment), the device comprising: a hardware peripheral device having:
a receiver for receiving data (Each user has a receiver, which is typically a set-top box such as set-top box 248, but which may be other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated , 0186) from a user input device(any other suitable user input device, 0089 and see fig.5, user interface),
a processor responsive to the data for sending (Each set-top box 248 preferably contains a processor to handle tasks associated with implementing a program guide application on the set-top box 248, 0186) communications through a computer modem at a user premises (each home may be connected by modem link or other suitable link for transferring data between home, 0204) over a computer network to a cable television network head end (a cable system headend, 0068)
and an output for controlling television information signal (see fig.4, control circuitry):
provided by a cable television network cable connected
directly to a digital cable ready television at the user premises (see fig.33a)
from the head end responsive to the communications (see fig.5, communication device) from the hardware peripheral device.

Re claim 20, Ellis et al disclose wherein the peripheral device (other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated, 0186) is integrated into a single unit with the computer modem (internal or external modems, cable modem, or the like, 0206).

Re claim 21, Ellis et al disclose wherein the peripheral device is a separate unit from the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem.

Claim 22 recites what was discussed on claim 4.

Claim 23 recites what was discussed on claim 5.

Claim 24 recites what was discussed on claim 6.

Re claim 25, Ellis et al disclose an interactive cable television system(see fig.1, element 17, interactive television program guide equipment)comprising: a computer modem at a user premises (each home may be connected by modem link or other suitable link for transferring data between home, 0204) and in communication with a computer network(a computer network, 0094) ;a user input device(see fig.4, user interface); a hardware peripheral device having(see fig.4):

a receiver for receiving data from the user input device(Each user has a receiver, which is typically a set-top box such as set-top box 248, but which may be other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated , 0186), and

a processor responsive to the data for sending communications(Each set-top box 248 preferably contains a processor to handle tasks associated with implementing a program guide application on the set-top box 248 , 0186) through the computer modem to a cable head end(a cable system headend, 0068)

; and a digital cable ready television at the user premises and directly connected to a cable television network cable(see fig.33a) for displaying a television information signal (see fig.4, display device) provided over the cable from the head end controlled by the communications(see fig.5, communication device) from the hardware peripheral device.

Re claim 26, Ellis et al disclose wherein the peripheral device (other suitable television equipment into which circuitry similar to set-top-box circuitry has been integrated, 0186) is integrated into a single unit with the computer modem (internal or external modems, cable modem, or the like, 0206).

Re claim 27, Ellis et al disclose wherein the peripheral device is a separate unit from

the computer modem (external modems, 0206) and connected to an input port (a communications port, 0076) on the computer modem.

Re claim 28, Ellis et al disclose wherein the peripheral device uses an infrared link(an infrared link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3l).

Re claim 29, Ellis et al disclose wherein the peripheral device uses a radio frequency link(a radio frequency link, 0094) for at least one of receiving the data from the user and controlling the television information signal(see fig.3).

Re claim 30, Ellis et al disclose further comprising: a status indicator section(see fig.11, status) showing a current status of the peripheral device(The remote access program guide may indicate the status of interactive television program guide equipment 17 on remote program guide access device 24 using any suitable indicator, 0137).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rakib et al (US. 20020059637) disclose home gateway for video and data distribution from various type of headend facilities and including digital video recording functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST.If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reach on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see htpp://pair-

direct.uspto.gov. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

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03/24/2008
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